

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 681 OF 2006**

Smt. Shantabai Mohan Choudhary ... Appellant

V/s

Nana Ramji Dhabhade
(since deceased, through his L.R.s)

1. Keru Nana Dhabhade & ors. ... Respondents

Ms. Aruna A. Kamath for the appellant.

Mr. D.M. Gupte for the respondents.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 27TH JULY, 2007.

P.C.:

1. The suit has been filed by the appellant for a decree of specific performance. The Trial Court decreed the suit holding that the suit was filed within the period of limitation and that the appellant had shown her readiness and willingness to perform her part of the contract. The appellate Court reversed this finding by concluding that the suit has not been filed within the period of limitation. The defendant was supposed to produce permission from the authorities for the sale of land within a month of executing the agreement of sale

which admittedly was entered into in 1980. He was not able to do so. Therefore, the period of limitation will run from that date and not from the date when the plaintiff gave notice to the defendant. The cause of action has arisen in 1980 itself. Thus the suit filed in 1993 is barred by limitation as rightly held by the appellate Court.

2. No substantial question of law has arisen.

3. Appeal dismissed.

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